



PATENT
Docket No. 300622000212

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Chaitan KHOSLA, et al.

Serial No.: 09/870,012

Filing Date: May 29, 2001

For: METHOD TO PRODUCE NOVEL
POLYKETIDES

Examiner: Kathleen M. Kerr

Group Art Unit: 1652

**RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY
AMENDMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to a restriction requirement herein mailed July 22, 2002, time for response to which is set to expire August 22, 2002. Accordingly, this response is timely filed. Applicant respectfully requests entry of the following amendments and consideration of the following remarks. Enclosed is the following Exhibit A:

Exhibit A: Marked-up Version of Amendments to the Claims.

Restriction Requirement

The Examiner is requiring restriction under 35 U.S.C. §121 to one of the following inventions:

- I. Claims 18, drawn to methods to prepare modified nucleic acid molecules;
- and
- II. Claim 19; drawn to methods to prepare antibiotics.

The Examiner has stated that Group I and Group II are unrelated.

In addition, the Examiner has stated that Claims 20-23 could not be grouped because these claims depend from claim numbers that do not exist in the instant application. Applicant respectfully thanks the Examiner for pointing out this clerical error. The Examiner has indicated that since Claims 20-23 could not be grouped in the above restriction requirement, that Applicant is invited to amend said claims and indicate in which group the amended claims are believed to belong.

Therefore, Applicant hereby elects Group II, claim 19, without traverse. In addition, Applicant has amended claims 20-23 to be dependent from claims 19, 20, 21, and 21 respectively, therefor making these newly amended claims part of Group II. The amendments made to the claims are produced below and in the attached Exhibit A.